

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court

for the

Western District of New York

United States of America

v.

DALE E. TRIMMER,

Defendant

Case No. 21-MJ-527

CRIMINAL COMPLAINT

I, Christopher Toscano, Task Force Officer with the Federal Bureau of Investigation, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about and between November 24, 2020 and February 5, 2021, in the Western District of New York and elsewhere, the defendant, using a means and facility of interstate and foreign commerce:

- (1) Knowingly attempted to employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, in violation of Title 18, United States Code, Section 2251(a);
- (2) Knowingly attempted to receive child pornography in violation of Title 18, United States Code, Section 2252A(a)(2)(A); and
- (3) Knowingly attempted to transfer obscene material to a minor less than 16 years of age, in violation of Title 18, United States Code, Section 1470.

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF FBI SPECIAL AGENT CHRISTOPHER TOSCANO.


☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: February 13, 2021

City and State: Rochester, New York


Complainant's signature
CHRISTOPHER TOSCANO, Task Force Officer, FBI
Printed name and title


Judge's signature
MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

CHRISTOPHER TOSCANO, being duly sworn, deposes and states as follows:

1. I have been employed as a Deputy with the Monroe County Sheriff's Office since 2012 and have been a Task Force Officer (TFO) with the FBI's Child Exploitation Task Force since 2017. As a TFO, I am responsible for investigating federal child exploitation and child pornography crimes. I have received specialized training in the area of child pornography and child exploitation, and I have participated in more than 100 child pornography and child exploitation investigations in my career. In my role, I am familiar with the behaviors and methods of individuals who engage in child exploitation and child pornography crimes.

2. This affidavit is made in support of criminal complaint, which alleges that DALE E. TRIMMER knowingly violated Title 18, United States Code, Sections 2251(a) (attempted production of child pornography); 2252A(a)(2)(A) (attempted receipt of child pornography); and 1470 (attempted transfer of obscene material to a minor).

3. The information contained in this affidavit is based upon my personal knowledge and investigation of this matter, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records obtained in connection with this case. Since this affidavit is being submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included

every fact known to me concerning this investigation. Rather, I have set forth the facts that I believe are necessary to establish probable cause to believe that TRIMMER knowingly violated Title 18, United States Code, Sections 2251(a); 2252A(a)(2)(A); and 1470.

BACKGROUND OF INVESTIGATION

4. Beginning on November 24, 2020, an undercover law enforcement officer in Rochester, NY (the UC) commenced an investigation involving a certain internet chat application (“Application A”), which is commonly known by law enforcement as a means by which individuals engage in child pornography and child exploitation crimes. Application A allows users to communicate anonymously with other users around the world via the internet. Therefore, Application A operates in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce.

5. During the investigation, the UC used an undercover Application A account in which the UC portrayed himself/herself to be a 13 year old girl. The UC received a direct message from Application A user “kinkyguy14559,” who had the display name “Dale T.” Kinkyguy14559’s first message stated “Hi there.” The UC responded to this message on December 28, 2020, at which time the following conversation ensued:

kinkyguy14559	Hey wyd
UC	Good u? Where u get my name from
kinkyguy14559	Good just leaving work ...I believe was teen room-possibly teen-for-older...I text u awhile ago so forgive me if my memory is off lol 😊
kinkyguy14559	Age?
UC	Hehehe it ok I dnt remember either, I’m 13 how old r u

kinkyguy14559 46 🍌🍌🍌🍌🍌
UC Hehe ur secret safe w me
kinkyguy14559 Yea? U like that an older guy likes ur age?
UC Umm I guess. The boys my age r dumb. Older guys seem nicer

kinkyguy14559
kinkyguy14559 Lol at boys ur age are dumb lmfao
kinkyguy14559 What ru looking for
UC Hehe yes they r. Nd idk hbu

kinkyguy14559 I'm wanting a secret "gf" that's ur age
kinkyguy14559 I'm wanting someone who's fun..funny like to do stuff but is also ok with hanging out n doing stuff indoors too

6. Conversations between the UC and kinkyguy14559 continued throughout the following days, and quickly became sexual in nature as demonstrated by the following:

kinkyguy14559 Ru a lil turned on rn?
UC Umm turned on??
UC Like wut u mean
kinkyguy14559 Horny I guess lol
kinkyguy14559 😏
kinkyguy14559 Do u have kinda tingling feeling down there a lil bit?
kinkyguy14559 Hard to explain cuz I'm not a girl!..lmfao

kinkyguy14559 Hm...well another way to tell is go to the bathroom and look at ur panties and see if u have a small wet spot on them

kinkyguy14559 It's because ur vagina is getting wet-that means ur horny/aroused and wanting sexual fun

kinkyguy14559 Fun/play*

7. Kinkyguy14559 went on to indicate that his name was “Dale,” that he was living in the area of Spencerport, NY,¹ and that he worked at a grocery store as a shipping and receiving manager in the area of Culver Rd. and University Avenue. The UC (hereinafter sometimes referred to as “the child”) shared that she was living in Rochester, NY, after which kinkyguy14559 proceeded to discuss meeting with the child, by stating “So would u b interested in secretly meeting . . . seeing we live close? (I drive so I could meet u somewhere).”

8. While talking about meeting with the child, kinkyguy14559 stated: “U could sit on my lap- get a blanket and we could snuggle and watch tv...and maybe sneak a kiss or two in there somewhere lmfao.” Kinkyguy14559 also talked about where he could meet with the child by stating “[w]e have to figure places we can go to keep things secret 🤫,” and then indicated that he could meet the child at a “Park..maybe mall...find places to walk around.”

9. By December 30, 2020, Kinkyguy14559’s communications with the child remained ongoing and sexual in nature:

kinkyguy14559 I love u lol

¹ 14559, which is included in “”kinkyguy14559,” is the actual zip code for Spencerport, NY.

kinkyguy14559 Very adorable like I wanna hug n kiss u

kinkyguy14559 (You would b my first “young” kiss 🍌🍌🍌🍌)

kinkyguy14559 It’s ok...remember – I’ve never had a YOUNG gf before 🍌🍌🍌

kinkyguy14559 We need to find the way to meet sooner rather than later.... agree?

kinkyguy14559 I want u to hug me and wrap ur arms and legs around me and squeeze me hard lol

10. On December 31, 2020, kinkyguy14559 requested to speak with the child and provided his phone number, XXX-XXX-1912. From that point on, conversations between the UC and kinkyguy14559 took place via text messaging.

IDENTIFICATION OF DALE E. TRIMMER

11. On January 7, 2021, Application A responded to a subpoena with the following subscriber information associated with the kinkyguy14559 account:

First Name: D
Last Name: T
Email: dtrimmer14559@gmail.com
Username: kinkyguy14559
Device Type: iPhone

In addition, according to Application A’s records, kinkyguy14559 primarily used IP address 67.253.181.162 when accessing Application A.

12. A subpoena was issued to Charter Communications for information regarding IP address 67.253.181.162. On January 14, 2021 Charter provided records indicating that, at the time of the above-described communications, IP address 67.253.181.162 was registered to a “T.P.” (full name redacted) at 36 Hillside Dr, Spencerport, NY 14559. Charter’s

records also indicated that the phone number associated with the account was XXX-XXX-1912, the number that kinkyguy14559 used to speak with the UC.

13. A subpoena response from Verizon Wireless on January 12, 2021 revealed that XXX-XXX-1912 was also subscribed to T.P. at 36 Hillside Dr., Spencerport, NY 14559. An open-source search revealed that TRIMMER and T.P. are the actual owners of the 36 Hillside Drive Spencerport, NY 14559.

14. According to New York State DMV records Dale E. TRIMMER's listed address is 36 Hillside Dr., Spencerport, New York. DMV records also show that one vehicle is registered to TRIMMER, that being a 2008 blue Chevrolet Impala, bearing NY registration KGK1071.

15. On December 31, 2020, TRIMMER told the UC that he was at work. Your Affiant then drove to Price Rite, where I observed TRIMMER's blue Impala in the parking lot.

16. While communicating with the UC, TRIMMER sent several identifying photographs. For example, on January 7, 2021, TRIMMER sent a photograph which depicted TRIMMER wearing a lanyard bearing the name "PriceRite" and "Dale" on a name tag. PriceRite is a grocery store located in the City of Rochester with a location near the intersection of University Avenue and Culver Road, which is where kinkyguy14559 claimed to be employed (*see* ¶ 7). On January 8, 2021, TRIMMER sent another photograph which included his face, which has a large distinct birthmark. The male depicted in this photograph matches the DMV photograph for Dale E. TRIMMER.

2005 ARREST BY THE MONROE COUNTY SHERIFF

17. A criminal history inquiry into TRIMMER revealed that on February 14, 2006, TRIMMER was convicted of Disseminating Indecent Material to Minors, in violation of New York State Penal Law Section 235.21, in relation to a 2005 arrest by the Monroe County Sheriff (MCSO). TRIMMER pleaded guilty to that charge and was sentenced to serve 6 months in the Monroe County Jail followed by 5 years of probation. He later violated the terms of probation and was resentenced to serve 1 to 3 years in New York State Prison. TRIMMER was released to parole on March 14, 2008 and was discharged from parole on March 16, 2009.

18. According to the MCSO reports, in November 2005, TRIMMER used Yahoo! Messenger under the screen name "dale14445" to engage in sexually explicit online conversations with an undercover MCSO investigator who was posing as a 14 year old female. The UC in that case told TRIMMER that she was 14 at the outset of the conversation. TRIMMER acknowledged the UC's age, but continued to engage in sexually explicit conversations, stating that "age was just a number and didn't matter to him." During the 2005 conversations, TRIMMER told the UC and that he previously had sex with two sisters, ages 14 and 15. TRIMMER further told the UC that he still emailed with the 14 and 15 year old sisters, and that he had sexual intercourse with both girls after he had gotten them to relax. TRIMMER talked to the UC about having sex and discussed meeting the UC at a hotel for the weekend. According to the MCSO reports, on November 17, 2005, TRIMMER traveled to Marketplace Mall to meet the UC, at which point he was arrested. The MCSO reports state that TRIMMER was immediately identified due to the

large birthmark on his face, consistent with the photos that TRIMMER sent to the UC in the present case, as well as his current DMV photo.

19. Following his arrest in 2005, MCSO investigators searched TRIMMER's vehicle and located a "gear bag," which contained handcuffs. During an ensuing interview, TRIMMER told the MCSO investigators that he believed he had been talking to a 14 year old girl, and that he intended to have sex with her when he traveled to Marketplace Mall. TRIMMER told investigators that had also been communicating with a 16 year old female from Webster, NY for the previous two years, and that he discussed meeting the 16 year old girl so that he could photograph her.

ADDITIONAL CONVERSATIONS

20. On December 31, 2020, communications between TRIMMER and the UC continued via text messaging. TRIMMER continued to engage in sexually explicit conversation with the UC, and talked about wanting to meet the child:

TRIMMER The tone in ur voice when I told u I have the next 3 days off leads me to believe what came to ur mind was actually meeting up one of these 3 days...am I right??

TRIMMER I think we should try to meet up on one of the days I'm off....what's your opinion??

TRIMMER I wish u could say u were sleeping at a friends house and you and I get a hotel room lol...I know weird/crazy thought

TRIMMER At least we could spend the night together kind of thing

TRIMMER Not trying to be creepy or anything lmfao

TRIMMER Beyond you making my heart race every time we talk.. u do more things to me "physically"...make me feel tingly all over

TRIMMER I need u to complete me and being w u will make BOTH of us better people I believe

TRIMMER I want u soooooo baddddddd

TRIMMER Kiss u alllllll over ur body

TRIMMER I would decide to make u a woman

TRIMMER Talking about this is giving me tons of goosebumps and so horny rn omg

TRIMMER I jerked off thinking about making love to u

TRIMMER Well if u snuck me in ur house I could b under the kitchen table teasing u giving u those goosebumps lmfao

TRIMMER Would u prefer me say that I can't wait to have sex with u?...Or more bluntly: I can't wait to fuck u?

TRIMMER I wanna be with u....under the sheets naked w u kissing u all over giving u goose bumps exploring ur body

TRIMMER I wish I could come kidnap u lol

TRIMMER Well it's not kidnapping if ur willing lmfao

TRIMMER I wanna b inside u

TRIMMER Im gonna b blunt... I'm hard for u

TRIMMER Then kiss u and make intense love to u

TRIMMER What I meant to say is I would get ur scent all over me with having sex with u and you being on top- us sweating together

TRIMMER I wanna look into ur eyes when we have sex so u can see how much I love u and want u

TRIMMER I'm in bed now daydreaming that I'm on top of you kissing rubbing and massaging u-gently rubbing between ur legs- noticing u are wet there (normal) I look at u- into ur eyes and my eyes are saying "I love u"- u reach up and grab me and pull me close to you and u feel me go inside you ...finally making u a women... and experiencing the best pleasure u could possibly experience at ur age

UC So would u be wearing a condom?? Just nervous like wut if I get pregnant?? Can I get prego at my age??

TRIMMER Yes u can get prego at ur age ..plus because ur prolly not on birth control

TRIMMER Have u ever masturbated b4?

TRIMMER I'll show u how to do it when we meet

TRIMMER If we were together rn we would b having sex...period lol

TRIMMER I have a huuuge sex drive- and to go that long without it it's like torture lol

TRIMMER I want it so bad baby!...EVERY single cell in my body craves to want to kiss u and be inside u...combining our bodily fluids together...making u a woman...physically connecting to u in the most intimate way

TRIMMER I wanna make ur panties wet like u get me hard every time we talk

TRIMMER God I wanna have sex w u rn

TRIMMER U said I was lying about being hard for u- just proving to u that I AM hard – pointing to the bulge in my pantshehe

21. On January 5, 2021, TRIMMER requested a photograph of the child. When asked what kind of photograph TRIMMER wanted, he stated: “Full standing and maybe one showing off ur sexy body” and “Bare skin.” The child then asked TRIMMER what he meant by bare skin to which TRIMMER stated, “Like nothing on.” Based on my training and experience, as well as the context of the previous conversations, I believe that the defendant’s comments in this regard constitute violations of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2)(A).

22. TRIMMER made several comments demonstrating that he knew that he was engaging in unlawful conduct by communicating with the child, such as:

TRIMMER We would have cops..ur mom and whomever else after us if we ran off together lmfao

TRIMMER Yea but ur underage and things would just burst out of control lmfao

TRIMMER Um can't do it in your bed now can we?.. ur mom comes home kills us BOTH!.. lol

TRIMMER Don't need neighbors telling ur mom they saw me at ur house lol

TRIMMER That's why prolly better to just go find somewhere to park and have sex

TRIMMER We will need to put down an old blanket or something so we don't leave any wet spots or anything to make ur mom suspicious

TRIMMER Do u have a blanket u can put on ur bed ?.. u might bleed a lil bit being ur first time

TRIMMER U don't want ur sheets stained cuz then she will be soo pissed lol

23. On January 8, 2021, TRIMMER requested to meet the child and a meeting was arranged for Thursday, January 14, 2021. TRIMMER stated that he wanted to engage in sexual intercourse with the child:

TRIMMER If we have sex- let it happen naturally – but ok if we do other things – basically no pressure

TRIMMER Run my fingertips all over any bare skin u have

TRIMMER Or do u wanna wear something loose and easy to take off

TRIMMER I would like to have sex w u

TRIMMER I wish I could come get u now and make u a woman!

TRIMMER Is your calendar marked?????

24. The January 14, 2021 meeting did not take place as TRIMMER later wrote that he either contracted or had been exposed to Covid-19 and was awaiting the results of a Covid test. TRIMMER later told the UC that he in fact tested positive for Covid-19 and was required to quarantine. The meeting was postponed as a result.

25. On January 15, 2021, TRIMMER continued to engage in sexual communications with the UC in which TRIMMER stated: "Google teen virgins and click on pornhub links that will help u learn to masturbate when we aren't together." TRIMMER then indicated that he looked at some last night, in reference to videos of "teen virgins" on "Pornhub." Further communications ensued in which TRIMMER stated "We could even cam2cam and play together if u wanted after u felt more comfortable masturbating." Following this, TRIMMER told the UC that she should clear her browser history so her mother would not see what websites she had visited. The UC then inquired into what TRIMMER meant by Cam2Cam and playing together to which TRIMMER stated "Let u see me play with myself for u- let u see how horny u make me ..and vise versa....can just talk about anything too if u wanted ..not just about sexual stuff either." Based on my training and experience, "Cam2Cam" is a reference to a live video chat. Given the context of this and the previous conversations, the defendant's comments in this regard constitute a violation of Title 18, United States Code, Section 2251(a).

26. On January 16, 2021, TRIMMER again expressed his desire to meet the child for sex:

TRIMMER We need to do everything it takes to make this happen !

UC Hehehe how do we do that??

TRIMMER 1 – I get better
2 – u keep an eye on ur moms schedules
3 – I get the condoms
4 – u see if u can “sleep over at a friends house”
5 – we get together for a whole weekend of food/fun/sex

UC Omg u got it all planned out u r amazing

TRIMMER I told u I want this to happen didnt I? Hehe

TRIMMER Are ur panties a lil wet?

27. As the conversation continued TRIMMER stated: “Are u feeling any urges down there” and “I’m hard for u.” TRIMMER then directed the child to masturbate by stating “Rub a finger down there and see if ur wet” and “Yea? ..rub it in a circular motion..”. TRIMMER then stated: “I wish I could see u rub urself” and indicated that TRIMMER was rubbing himself as well. Further communications ensued in which TRIMMER stated: “I wish u could record it and send to me.” The UC inquired into what TRIMMER meant by recording it and what TRIMMER wanted to see. TRIMMER responded: “Use ur phone to video clip it ..see u rubbing urself down there and maybe if we are lucky – when u orgasm.” The UC indicated she was hesitant to send that type of video to which TRIMMER responded: “This is for OUR EYES ONLY pinky promise.” Based on my training and experience, and the context of the communications, the above constitutes violations of Title 18, United States Code, Sections 2251(a) and 2252A(a)(2)(A).

28. On January 17, 2021, TRIMMER continued to engage in sexually explicit conversations with the UC, stating:

TRIMMER Last night after u fell asleep on melol... I was thinking about u and was masturbating thinking about what it will be like to make u a woman...

TRIMMER Long story short – I've NEVER came that much on my life

TRIMMER In my life*

29. TRIMMER then asked if the child was in bed and stated "Lemme know when ur in bed so we can exchange vids."

30. Between January 17, 2021 and January 31, 2021, the conversations with TRIMMER remained ongoing, and continued to involve sexually explicit subjects, and the prospect of meeting the child.

31. On Sunday January 31, 2021, TRIMMER stated: "We both prolly just need sex to wear us out to get decent sleep!" TRIMMER further indicated that he wanted to meet and was close to making reservations at a hotel for the UC and TRIMMER to meet.

TRIMMER later stated "And daddy is horny for his stepdaughter rn 😊😊😊 " Following this TRIMMER indicated that he was "VERYYYYY hard" and stated he had taken a "short video." TRIMMER then sent the child a video approximately 13 seconds in length which depicted TRIMMER with his penis exposed and masturbating. After the UC received this video, TRIMMER stated "Maybe watching while playing w urself will help take care of some of ur "urges" before we actually do have sex." TRIMMER then stated "Well if u redo the video u we're gonna send me before I'd be honored to wanna see it" and "I'd like u to redo it 😊 " Based on my training and experience, and the context of the

communications, the above constitutes violations of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A) and 1470.

32. On February 4, 2021, communications between the UC and TRIMMER continued. During that time, TRIMMER indicated that he was at work and would not be able to text as much throughout the day. At approximately 1:42 PM the UC received a message from TRIMMER stating, "How's my step daughter" to which the UC indicated she was good. TRIMMER then informed the UC that he was leaving work early and on his way home. TRIMMER then indicated that he was home and sent a photograph to the UC depicting TRIMMER wearing a blue shirt. Shortly thereafter TRIMMER sent a sexual communication to the UC by stating, "I've been wanting u SUPERRR bad today...idk why hehehehe". Further communications ensued in which TRIMMER indicated knowing the UC was a minor by stating "But have to get u to the appropriate age first (wink emoji)", "Hehehe" and "Which is 18." It should be noted that this was in reference to TRIMMER and the UC getting married. Following this, TRIMMER stated "I wanna have INTENSE sex w u rn!" It should be noted that "rn" is an abbreviation for right now. The UC then inquired into if TRIMMER and the UC were going to meet this week as stated by TRIMMER in prior conversations. TRIMMER then inquired into the shifts that the UC's mother was working. The UC then provided TRIMMER with the work schedule requested by him to which TRIMMER then stated, "Yea if I get done work early enough and I get to the store to get condoms then we can have sex while ur mom is at work (several emojis). Shortly thereafter TRIMMER asked if the UC had engaged in masturbation specifically stating "Have u played w urself any more since that one time."

33. On February 5, 2021, meeting was planned between TRIMMER and the UC. TRIMMER indicated that he had to work late and was not able to meet with the child. Following this, TRIMMER indicated that he took the following Friday (February 12, 2021) off as a personal day and stated to the UC "U could 'be sick' and we could do something." Communications between TRIMMER and the UC continued over the weekend and on Sunday February 7, 2021, TRIMMER indicated he wanted to meet the child the following Friday: "So no sex for me for this week – HOWEVERRRR..I took this Friday off if u wanna "be sick" from school and hang out if ur mom isn't home." The UC asked what TRIMMER wanted to do upon meeting, to which TRIMMER stated "DEFFINITELY kiss touch grab a bite to eat(lunch)..and whatever else we feel like doing." TRIMMER then stated "[i]t feels like we've been waiting forever...For me- I've been waiting to be kissed/touched/and loved by a woman like u!" The UC then inquired into what TRIMMER meant when TRIMMER first mentioned touching. TRIMMER responded and indicated the child could touch TRIMMER "ANYWHERE" and "WHENEVER" and specifically stated "U can still touch me down there lol...all over my body .. wherever u want." Further communications ensued in which TRIMMER stated to the UC "I really wanna go against doctor orders and have hot sex with my gf!" The UC again inquired as to what TRIMMER wanted to do on Friday when TRIMMER met her. TRIMMER responded: "Step daddy wants to have sex with his sexy stepdaughter."

34. In further conversations TRIMMER stated: "I wish u lived in a house- I'd sneak over and meet u in the garage and have sex with you while ur mom had her friends over...hehehe....sorry I've been having wilddd thoughts all day today forgive me."

TRIMMER then stated, "I think once we have sex together the first time we r prolly gonna want it alotttttt."

35. On February 10, 2021, communications with TRIMMER and the UC continued. TRIMMER again acknowledged meeting with the child on Friday (February 12, 2021) and said he wanted the child to wear something that "shows off ur beautiful body." TRIMMER then said there would be "lots of kissing and touching and cuddling/enjoying each other's touch."

36. On February 11, 2021, communications between TRIMMER and the UC continued. During that time, TRIMMER asked the UC what the child wore to school that day. The UC responded and provided a brief description of clothing items. A short time later, TRIMMER stated "I'd love to rub my hands on ur legs if u wear them hehehe." Following this, TRIMMER then stated "...or if u wear the shorts- I'd rub my hands on ur bare legs and reach around and grab ur butt and pull u close to me heheheeh." TRIMMER further indicated that he had put "stockings" and a "hoodie" for the child in his car, in anticipation for meeting with the child. The UC inquired into what TRIMMER had planned when meeting with the child, to which TRIMMER stated: "Ok – I'll tell u.. I'm gonna pick u up... We r going to grab a little bite to eat...then we can go back to ur place and enjoy each other's company...kissing..touching...ru bbing....and exploring each other's bodies ...me showing u things u wanna learn .."

37. The UC then asked what TRIMMER would "show" the child and what TRIMMER and the child were going to be do together. TRIMMER first responded by stating "[s]ome things are better left untold- kind of like a small mystery hehehe." However,

shortly thereafter, TRIMMER stated: “Maybe tell u how to suck...and stroke (masticate me).. I’ll show u how a guy masturbates a girl ...then have u do it and shoe me-and tell me how different it feels(cuz there is a difference ...).” “Some kissing and show up how a guy likes to be touched.” The UC then asked what “masticate” meant to which TRIMMER clarified and stated “Masturbate.” TRIMMER ultimately did not meet with the child on February 12, 2021.

38. TRIMMER’S chats with the child took place, in part, via Application A, which operates in and affecting in interstate commerce, and using a means and facility of interstate commerce, that is, the internet. In addition, TRIMMER is using an iphone (see ¶ 11 above) to communicate with the UC. Iphones are manufactured outside of New York State, and therefore travel in and affecting interstate and foreign commerce.

39. Despite the fact that, to date, TRIMMER has not met with the child, there is probable cause to believe that TRIMMER knowingly attempted to persuade, induce, and entice a person who TRIMMER believed to be a minor, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and for the purpose of transmitting a live visual depiction of such conduct, in violation of Title 18, United States Code, Section 2251(a). TRIMMER also knowingly attempted to receive child pornography in violation of Title 18, United States Code, Section 2252A(a)(2)(A), and attempted to transfer obscene matter to a minor, in violation of Title 18, United States Code, Section 1470.

40. Based on the above, your affiant respectfully request that the Court issue a Criminal Complaint and Arrest Warrant in this matter.

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on February 13, 2021.

A handwritten signature in blue ink, appearing to read "Mark Pedersen", written over a horizontal line.

MARK W. PEDERSEN
United States Magistrate Judge

A handwritten signature in blue ink, appearing to read "Christopher Toscano", written over a horizontal line.

Christopher Toscano
Task Force Officer
Federal Bureau of Investigation